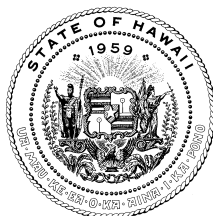


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
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ACTING DEPUTY DIRECTOR - WATER

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**MINUTES
MAUI/LANAI ISLAND BURIAL COUNCIL MEETING**

DATE: THURSDAY, February 22, 2007
TIME: 9:00 A.M.
PLACE: COUNTY OF MAUI
PLANNING DEPARTMENT
KAULANA PAKUI BUILDING 1ST FLOOR
250 S. HIGH STREET
WAILUKU, HI 96793

ATTENDANCE:

Members:

Charles Maxwell, Chair
Dana Naone Hall, Vice-Chair
Leslie Kuloloio
William Frampton
Edward Kaahui
Scott Fisher
Pua Paoa

Absent:

Kema Kanakaole (unexcused)
Mei Lee Wong (excused)
Keeaumoku Kapu (excused)
Vince Kanemoto, Deputy Attorney General (excused)

Staff:

Kawika Farm, Clerk Stenographer II
Melissa Kirkendall, Maui Archaeologist
Hinano Rodrigues, Cultural Historian
Jenny Pickett, Maui Assistant Archaeologist

Guest:

Mike Dega	Rob Centra
Foster Ampong	Caroline Peters Delson
Clifford Naeole	Ryan Churchill
Verna Podlewski	Haumea Hanakahi
Daren Suzuki	Lisa Rotunno-Hazuka
Francine Ulu Lavilla	Melissa Bassch

I. OPENING REMARKS

Maui/Lanai Islands Burial Council (MLIBC) Chair, Charles Maxwell called the meeting to order at 9:19am. Leslie Kuloloio gave the *pule wehe*.

II. BUSINESS

A. INADVERTENT BURIAL DISCOVERIES AT THE RESIDENCES AT KAPALUA BAY, SITE OF THE FORMER KAPALUA BAY HOTEL, NAPILI 2-3 AHUPUAA, LAHAINA DISTRICT, ISLAND OF MAUI, TMK: 4-2-04:27, 28, and 29

Information/Recommendation: Update on inadvertent discovery of multiple primary burials, as well as human remains encountered in disturbed contexts.

Mike Dega of Scientific Consultant Services (SCS) Archaeology introduced himself and requested that item E [*Revised Burial Treatment and Preservation Plan for State Site 50-50-16-5421, Feature 10, Kaupo Niumalu Ahupuaa, Hana District, Island of Maui, TMK (2) 1-7-003: 073 AND 016,*] of the agenda be deferred until the next MLIBC meeting.

Dana Hall moved and William Frampton seconded, “that item E of the agenda be deferred at the request of Mike Dega of SCS until the regularly scheduled March meeting of the Maui/Lanai Islands Burial Council.”

VOTE: ALL IN FAVOR. The motion carried unanimously.

M. Dega said he would update the council on the two primary human burials, the MNI (minimum number of individuals) count and the ongoing work at the project site.

M. Dega said temporary measures had been set up to preserve burial 1 in place. M. Dega said burial 1 was on the property line shared by Kapalua Bay Hotel and Coconut Grove’s property. M. Dega said burial 1 had been enclosed by a three sided CMU (concrete masonry unit) wall. M. Dega said the CMU wall had also been filled with sand which would help to permanently preserve the burial. M. Dega said burial 1 had not been capped because the cranium needed to be reinterred with the burial. D. Hall wanted to know what the vertical extent of sand above the burial was. M. Dega thought there was about four feet of sand above the burial. D. Hall asked if the CMU wall had been constructed within the body of the trench to which M. Dega answered yes. D. Hall asked if only the cranium had been dislocated from burial 1 to which M. Dega answered yes.

M. Dega said the remains of burial 2 were in situ. M. Dega said burial 2 was covered with a tarp and demarcated by orange construction fencing. M. Dega said burial 2 had not been further investigated. M. Dega said the area of building 5 which was adjacent to burial 2 was currently being investigated to determine if other remains were present which may be associated with burial 2. D. Hall asked if a minimum of at least one test unit would be placed adjacent to the present location of burial 2. M. Dega said a test

unit would be placed about 2.5 feet away from the southern extent of burial 2. D. Hall asked if a burial pit was identified with burial 2. M. Dega did not recall a burial pit being identified. Assistant Maui archaeologist, Jenny Pickett thought a burial pit did exist. D. Hall asked if burial 2 was determined to consist of more than one individual. M. Dega said burial 2 consisted of a minimum of one individual but not more than two individuals. M. Dega said the minimum and maximum number of individuals associated with burial 2 was based on an analysis conducted by, Dr. Chris Monahan, a former archaeologist of SCS. L. Kuloloio wanted to know what qualified C. Monahan to conduct an analysis of burial 2. M. Dega said C. Monahan had gotten his Ph. D in physical anthropology.

M. Dega set up a display board for the council.

M. Dega identified the areas where remains were found on the surface in the footprint of building 5. M. Dega said remains were found in a berm and a sand ramp. M. Dega said SCS was currently screening the sand ramp and had been screening the sand ramp with a mechanical screener for about two weeks. C. Maxwell asked M. Dega to explain how the mechanical screener worked. M. Dega said a backhoe was used to dump large amounts of sand into the screener which sifted sand through an eighth inch and quarter inch screens. M. Dega said monitors were stationed around the screener to identify remains. Scott Fisher wanted to know the origin of the sand ramp. M. Dega said the sand came from the area of building 5 and had been moved to its' present location. M. Dega did not think the sand in the area of building 5 was a natural sand dune. M. Dega thought the sand may have collected over time through aeolian transport such as wind or water. M. Dega said the sand was in an isolated area surrounded by clay and bedrock.

Based on the analysis by C. Monahan, M. Dega said the MNI was six and did not think more than eight individuals have been identified. L. Kuloloio wanted to know the approximate amount of individuals identified since mechanical screening had started. M. Dega thought remains may have been collected from a total of three individuals. L. Kuloloio thought all on site screening would be completed in a month and wanted to know if SCS was on track to meet that expectation. M. Dega said SCS wanted to be as thorough as possible and thought screening may take a little more than a month. M. Dega said approximately 100 cubic yards of sand was screened daily. L. Kuloloio wanted to know the total volume of sand. M. Dega thought there was about 7000 cubic feet of sand which needed to be screened.

M. Dega said the mechanical screener always had at least four monitors, with one monitor on the ground at the end of each conveyor belt and one monitor watching the fill being loaded into the screener. M. Dega said there were three conveyor belts.

(Pua Paoa arrives at 9:44am.)

M. Dega said additional testing was to occur in the footprint of building 3 and building 5 as well as the area where the sand ramp was located and where proposed utilities would be installed. M. Dega said SCS was currently testing the area of building 5 by

excavating test units to a depth of four feet. M. Dega said the test units were two meters long by two meters wide. M. Dega said the test units evidenced very little cultural material with the exception of a few rat bones.

(Melissa Kirkendall arrives at 9:46am.)

L. Kuloloio wanted to know if test units were being excavated adjacent or near the in situ burial (burial 2) with additional testing working away from burial 2. M. Dega said the test units were away from burial 2, but SCS intended to conduct additional testing working towards burial 2. M. Dega welcomed suggestions from the council pertaining to strategy on conducting test units. D. Hall wanted to know how many test units would be done in the area of building 5. M. Dega said SCS would do three test units in the area of building 5 with one test unit near burial 2. D. Hall wanted to know the square footage for the surface area of building 5. Rob Centra said the area of building 5 was between 17,000 and 20,000 square feet. Given the square footage of building 5, D. Hall felt only a very small portion was being tested. D. Hall was contemplating the idea of doing controlled excavation with a small piece of machinery in order to get a better representation of what was in the area of building 5. M. Dega thought D. Hall's suggestion was a great idea. M. Dega said SCS excavated two test units that were five to six feet in depth which was the extent of what could be excavated manually according to OSHA (occupational safety and health administration) regulations. M. Dega said SCS had set up a field of two meter wide by two meter long grids which covered majority of the surface area of building 5.

L. Kuloloio wanted to know if SCS could determine whether the rat bones were of the domestic Polynesian rat or if the rat bones were of the modern day Norwegian rat. M. Dega said SCS would look into the matter.

D. Hall referenced a letter written by M. Dega to M. Kirkendall and Hinano Rodrigues of SHPD dated February 2, 2007, regarding the scope of work which was to occur at Kapalua. D. Hall said the letter stated that sand in the area of building 5 extended to a depth of 16 feet. D. Hall said there were much deeper deposits than what had been previously discussed. M. Dega said the total depth of sand varied, but acknowledged sand in the area of building 5 had the greatest depth. D. Hall asked if the maximum depth of excavation for the construction of building 5 was five feet to which M. Dega answered yes. D. Hall wanted to know what the maximum depth for the elevator shaft would be. M. Dega said excavation for the elevator would not exceed eight feet. D. Hall recommended extensive excavation across the area of building 5. M. Dega wanted to know if SCS was being asked to perform areal testing. D. Hall suggested SCS start with areal testing to determine what may or may not be present subsurface. M. Dega asked if a flat edged bucket could be used. D. Hall did not object to use of a flat edge bucket as long as scrapings were minimal. M. Dega suggested scrapings occur at 5-10 centimeter increments. M. Kirkendall agreed with D. Hall's suggestion.

D. Hall asked if the entire surface area for building 5 needed to be excavated. R. Centra said the entire surface area for building 5 needed to be excavated to a depth of

five feet. D. Hall thought excavating the surface area of building 5, in increments of four to six inches, would provide adequate testing of the area while simultaneously reaching a depth of five feet for proposed construction.

S. Fisher wanted a summary of the proposed action to occur in the footprint of building 5. M. Dega said the entire footprint for building 5 needed to be excavated to a depth of five feet, with the exception of the location for the elevator shaft which needed to be excavated to a depth of eight feet. M. Dega said testing would occur while scraping the entire footprint of building 5 in increments of 5-10 centimeters. M. Dega said majority of the footprint for building 5 had been plotted out with two by two meter grids. M. Dega said the grids would allow SCS to provide an exact location, should something be encountered.

D. Hall suggested hand testing near burial 2 first and working outwards away from the burial 2. M. Dega said the nearest grid was about three feet from burial 2. M. Kirkendall did not feel comfortable conducting any test units near burial 2 due to the possibility of sand collapsing which would further impact burial 2. M. Kirkendall wanted testing to be conducted away from burial 2. L. Kuloloio wanted to be sure a strategy for dealing with the burials and additional testing was in place.

M. Dega said SCS conducted test trenches in the area of building 3 with a flat edge bucket. M. Dega said the test trenches revealed a clay deposit overlaying bedrock. M. Dega said the area between building 5 and building 3 could not be tested until after the sand ramp and clay soil fill had been screened. M. Dega said SCS would test the area of potential effect (APE) where the utility line would be installed. M. Dega said the utility line was in the area of burial 1. M. Dega said the APE for the utility line was 100 feet in length and 6 feet in width. D. Hall wanted to know if the depth of the trench would exceed six feet. R. Centra said the depth of the trench would probably be around eight feet.

L. Kuloloio wanted to visit the site at Kapalua in one week with H. Rodrigues to check the status on what had been discussed at today's meeting. D. Hall suggested L. Kuloloio let the developers and SCS know when he planned on visiting the site.

Foster Ampong, a resident of Lahaina introduced himself and said he was very concerned about what was occurring at Kapalua. F. Ampong said he did not have a personal vendetta against M. Dega, however, F. Ampong said he was very concerned with the credibility of SCS. F. Ampong said in September of 2006, he was asked by Patty Nishiyama of Na Kupuna O Maui to review a DEIS (draft environmental impact statement) prepared by Chris Hart for the Hyatt Regency-Maui. Through review of the DEIS, F. Ampong said he learned that SCS was contracted to do a cultural impact assessment (CIA). F. Ampong said he drafted a testimony which he submitted to P. Nishiyama which also should have been included in the MLIBC packets. F. Ampong said his testimony pertained to the work performed by SCS for the CIA. F. Ampong was very disturbed because he felt the CIA was biased and took blatant actions to not include other relevant components. F. Ampong said he became very interested in the

Kapalua project once he found out that SCS was the contracted archaeological firm. F. Ampong said he was informed by someone who worked on the project that there was no monitor.

F. Ampong said he conducted his own investigation of SCS and determined that the problems encountered at Kapalua was not an isolated incident. F. Ampong said SCS had a pattern for being problematic. F. Ampong said he entered key words in an internet search engine and discovered there were other complaints made against SCS. F. Ampong said the credibility and the workmanship of SCS was unacceptable. F. Ampong strongly recommended that the council or other authoritative body have a third party consultant be involved with the project at Kapalua to restore credibility and workmanship of the project. F. Ampong said it was important for members of the public to come forward to share their *manao* and to speak up to help prevent future problems similar to what was happening at Kapalua. F. Ampong said he understood the reasoning for discussing strategies and methodologies to address problems that occurred at Kapalua, but F. Ampong did not have confidence in the work that would be performed by SCS.

L. Kuloloio thanked F. Ampong for the testimony given. L. Kuloloio said the council was aware of things that were happening on Maui. L. Kuloloio said the MLIBC was very good at addressing issues that arose on Maui. L. Kuloloio felt everyone, members of the public, developers, archaeologists, burial councils and the State needed to work together to protect the *iwi* and culture of native Hawaiians. C. Maxwell said the council was also concerned with the same issues raised by F. Ampong. C. Maxwell informed F. Ampong that Maui Land and Pine (ML&P) had contracted Lisa Rotunno-Hazuka of Archaeological Services Hawaii (ASH) to oversee the archaeological aspect of the Kapalua development.

Ryan Churchill of ML&P said L. Hazuka of ASH has been hired to conduct peer review of the ongoing work performed by SCS. F. Ampong said he was partially relieved that part of his concerns had been addressed. F. Ampong still wanted to know who the specific monitors at Kapalua were and what were the specific qualifications of each monitor. F. Ampong did not feel there was anyone on-site that truly represented the best interest of the *iwi* and the *kanaka maolis*. C. Maxwell said Clifford Naeole the cultural consultant for the Ritz Carlton and H. Rodrigues the cultural historian for SHPD could always be contacted for cultural matters. C. Maxwell said L. Hazuka of ASH kept the council up to date almost on a daily basis.

One of the reasons F. Ampong did not approve of the CIA by SCS for the Hyatt Regency was because the CIA claimed to have contacted residents from the Lahaina area. F. Ampong said SCS only conducted one interview with an employee of the Hyatt. F. Ampong thought the interview was inappropriate because there was a conflict of interest. F. Ampong did not see how an employee of the Hyatt could be unbiased in an interview that was being conducted for the Hyatt. D. Hall said the council understood the points F. Ampong had made. D. Hall felt there were safeguards in place to address the cultural aspect involved with development [at Kapalua]. D. Hall said one of the

reasons the council had open meetings was to enable members of the public to come forward to share their concerns. D. Hall did not feel the public was being shut out of the consultation process.

D. Hall thanked M. Dega and the representatives of Kapalua for being open to the comments expressed by the council. D. Hall said the area of potential effect (APE) was an actual term of the section 106 federal historic preservation process. D. Hall said APE refers to the entire project area and should not be restricted or limited to only areas where ground disturbing activities are proposed.

B. DRAFT BURIAL TREATMENT AND PRESERVATION PLAN FOR SCHULER HOMES, PHASES 7.2 & 7.3 LOCATED IN THE MAUI LANI DEVELOPMENT WAILUKU AHUPUAA, WAILUKU DISTRICT, ISLAND OF MAUI, TMK 3-08-07: 131 PORS.

Information/Recommendation: Discussion on the Burial Treatment and Preservation Plan.

L. Hazuka of ASH introduced herself and referred to a burial treatment and preservation plan (BTPP).

The burial treatment and preservation plan was not included in the MLIBC packets.

L. Hazuka said there were two distinct burial sites. L. Hazuka said a partial in situ burial was identified at Maui Lani Phase 7.2 on lot 136. L. Hazuka said the land owner had given up lot 136 for preservation. L. Hazuka said two skeletal remains were identified at Maui Lani Phase 7.3 near a property line that bordered the lot and the road. L. Hazuka said the discovery was most likely of an intact burial that was displaced by heavy equipment. D. Hall asked if the burial found at Phase 7.3 had an in situ component. L. Hazuka said ASH tested the area and did not find an in situ portion of the burial identified at Phase 7.3. L. Hazuka said ASH did identify an artifact. L. Hazuka said the displaced remains from Phase 7.3 were proposed to be reinterred on lot 1 which the land owner had given for preservation.

L. Hazuka said pages 11 and 12 of the BTPP showed what was being proposed for the reinterment. L. Hazuka said a two feet high rock wall would be constructed around a four feet wide by four feet long by two feet high rock platform. L. Hazuka said the rock wall would be constructed 10 feet from the outer corners of the rock platform. L. Hazuka said the rock platform would have a plaque with signage.

D. Hall asked that the name of the subdivision be provided and referenced throughout the BTPP. S. Fisher wanted to know what would happen to the cultural artifact that was found. L. Hazuka said the artifact would be reinterred with the burial. For the council's information, D. Hall gave the size of the lots designated for preservation and said lot 1 measured 6658 square feet and lot 136 measured 5000 square feet. D. Hall said it was not common for a developer to give two separate lots in two separate subdivisions for preservation. D. Hall said to provide the dimensions of the cobbles in the BTPP. On

page 9 of the BTPP under the subheading Preservation Areas and Buffer Zones, D. Hall said to delete the sentence that read, “the buffer zones immediately surrounding the burial sites and the reinterment sites within the larger preservation lot” and replace with “the buffer zones for both burial sites will extend outwards 10 feet from the corners of the platform.” D. Hall said to include a sentence immediately after the description of the platform that clarifies why a buffer was present in a lot completely dedicated for preservation. Within the second paragraph on page 10, D. Hall said to replace the sentence that read, “the property line surrounding each burial crypt,” with “the property line surrounding each preservation lot.” D. Hall suggested deleting the last sentence of the first paragraph under the subheading Landscaping. D. Hall said to remove the “/” throughout the BTPP when referencing the MLIBC.

(C. Maxwell exits the meeting at 10:40am.)

D. Hall asked if the lots designated for preservation would have fill placed on them. L. Hazuka thought top soil could be brought onto the preservation lots to deter vines and other invasive vegetation from growing over the rock wall and platform. S. Fisher suggested planting *kawele*. D. Hall wanted clarification on language used within the BTPP which seemed to indicate that trees would not be planted within Maui Lani. L. Hazuka said the language referencing trees pertained to buffer zones and that trees would not be planted within the rock walls of buffer zones. S. Fisher said he would put together a list of 10-15 species of indigenous trees suited to the cultural environment.

C. DRAFT BURIAL TREATMENT PLAN FOR STATE SITES 50-50-04-5556-FEATURE 3B (FORMERLY REFERRED TO AS TS 3 OF THE AMERON SANDMINING PIT), SIHP 5718-FEATURE 1, SIHP 5719-FEATURES 1, 3 AND 5, SIHP 5718-FEATURE 2 AND SIHP 5719-FEATURES 2A AND 2B, AND SIHP 5556-FEATURE 3A, WAILUKU AHUPUAA, WAILUKU DISTRICT, ISLAND OF MAUI, TMK: 2-082-007: 121 PORS.

Information/Recommendation: Discussion on proposed treatment and short-term preservations measures.

D. Hall called a brief recess at 10:48am. D. Hall called the meeting back to order at 10:55am. L. Hazuka handed out two packets for the subject agenda item. D. Hall said the TMK: 2-082-007:121 pors. should be corrected to TMK: 3-8-007:131 pors.

L. Hazuka of ASH introduced herself and Daren Suzuki a representative for Maui Lani. L. Hazuka said there were three areas that had been discussed at previous MLIBC meetings which contained burial features. The areas were Maui Lani Phase VI subdivision, a section of the future Maui Lani Parkway and the Kuikahi Drive extension. L. Hazuka said the first handout discussed the site descriptions for the features identified at Maui Lani and the short-term protective measures for the sites. L. Hazuka said the first handout was also sent to H. Rodrigues for a determination. L. Hazuka said the second handout depicted a table which summarized the burial features at Maui Lani.

L. Hazuka said the remains of an adult individual (site 5556, feature 3a) were scattered over a distance of 200 feet at the Kuikahi Drive extension. L. Hazuka said there were also remains of a partial in situ infant (site 5556, feature 3b) within Kuikahi Drive extension. L. Hazuka said feature 3b would be preserved in place within the median for Kuikahi Drive. L. Hazuka said feature 3a would be reinterred with feature 3b. L. Hazuka said the top of the rock platform for the burials needed to be flush with the surface to satisfy county concerns.

L. Hazuka said site 5718, feature 1 and feature 2 were inadvertent burial discoveries formerly referred to as find spot 56a and 56b. L. Hazuka said the burials of site 5718 were found in 1999 at the future Maui Lani Parkway. L. Hazuka said feature 1 consisted of partial in situ remains of an adult. L. Hazuka said feature 2 consisted of displaced remains of an infant. L. Hazuka said ASH conducted additional testing and did not identify an in situ portion of the infant. L. Hazuka said feature 1 would be preserved in place in a greenway. L. Hazuka said the collected remains of feature 2 would be reinterred with feature 1. L. Hazuka said the road for Maui Lani Parkway was realigned in order to preserve site 5718 in place.

L. Hazuka said site 5719, feature 1, feature 2a and feature 2b were located within the residential development. L. Hazuka said site 5719, feature 3 and feature 4 were also within the residential development. L. Hazuka said all the burials were originally identified within a residential lot. L. Hazuka said Maui Lani redesigned the areas where the burials were found and created linear greenways in order to preserve the burials in place. L. Hazuka said feature 1 was a partial in situ burial of an adult. L. Hazuka said feature 2a and feature 2b were displaced remains of infants that were identified during test trenching for feature 1. L. Hazuka said the remains for feature 2a and feature 2b were collected through raking and screening. L. Hazuka believed the infants were buried together but separate from the adult (feature 1). L. Hazuka said feature 1 would be preserved in place. L. Hazuka said feature 2a and feature 2b would be preserved with feature 1 within a lava rock burial mound. L. Hazuka said feature 3 was primarily an in situ burial of an adult. L. Hazuka said the mandible of feature 3 was partially damaged. L. Hazuka said feature 4 was a pit that would be treated as a burial pit. L. Hazuka said feature 3 and feature 4 would be preserved in place within a lava rock burial mound. L. Hazuka said site 5719, feature 5 was identified during trenching for geologic testing. L. Hazuka said feature 5 were displaced remains of an adult. L. Hazuka said feature 5 would be reinterred within the same trench identified in. L. Hazuka said a median was created to preserve feature 5 in place. L. Hazuka said the top of the platform for feature 5 needed to be flush with the surface because the burial was located in a road.

L. Hazuka said all the burials would either be preserved in place or in an area near original identification. L. Hazuka said all the burials had a rock platform that measured four feet in length by four feet in width. L. Hazuka said there was also 10 feet of open space on all sides of the rock platform for each burial site. L. Hazuka said there would be orange construction fencing 30 feet from and around the burial sites as a temporary short-term protective measure while construction occurred. L. Hazuka said long-term

protective measures would be discussed at a future MLIBC meeting. L. Hazuka wanted to know if the council was satisfied with the proposed short-term preservation measures.

S. Fisher suggested (inaudible) as an alternative ground cover instead of *pohuehue*. L. Kuloloio suggested planting *nee*. D. Hall thought the short-term preservation measures were good. D. Hall liked the fact that most of the burials would be preserved in place. L. Hazuka said the burials would have a plaque for signage. L. Hazuka wanted to know if the proposed short-term protective measures could be accepted so construction could start. L. Hazuka said all the burials were inadvertent discoveries except for site 5719. D. Hall asked if there was public notification through newspapers. L. Hazuka said she needed to check whether or not there was public notification. D. Hall said the newspaper notification needed to have occurred in order for a determination to be made.

D. PROPOSED BURIAL TREATMENT AND PRESERVATION PLAN AMENDMENT FOR STATE SITE NOS. 50-50-14-5089, 5090, 5091, MOOIKI, HONUULA, MAKAWAO, ISLAND OF MAUI, TMK: 2-1-06: 34 AND 35.

Information/Recommendation: Request by Lineal Descendant to revise original Burial Treatment and Preservation Plan.

Francine Ulu Lavilla introduced herself and read a testimony she had previously prepared.

“At the last Burial Council meeting that I attended, I requested that the position of the low-walled enclosure of my kupuna’s makai burial site, TMK: 2-1-06:34, be changed from its current position as seen in the Burial Treatment and Preservation Plan prepared by Lisa Rotunno-Hazuka, Rory and Bill Frampton, dated May 30, 2001, by moving the wall’s western end about 90 degrees to the north, to the original position which my aunts and I remember.

It was suggested that because of the discrepancies and resulting confusion as to the exact location of the low-walled enclosure that another addition be made to include both positions of the burial site, with the final physical appearance of the site becoming the shape of a square rather than a rectangle. At that time, I thought it was a great idea.

Having had more time to consider every possible significant factor, I’ve decided that I would like to continue with my original request that the western end of the wall, as pictured in Figure 2 of the Burial Treatment and Preservation Plan, be moved about 90 degrees to the north.

I would also like to request that the infant’s burial site be included within the low-walled enclosure and that no stone marker be placed on the existing ground surface as suggested in the short-term preservation

section of the Plan, but that the infant's existence is mentioned on the final marker of the site.

Before any construction took place at Makena, my family was informed that I did not want our kupuna's remains disturbed nor relocated to another corner of the property, and that the burial sites would be protected and preserved by the Burial Council. Unfortunately, a few of my ohana thought that the sites were not going to be touched and would be left in their original positions and appearance.

Not having called to ask any questions about what was involved in the final preservation, some of them were shocked, angry, and disheartened when they visited the site and saw that what they thought was going to happen was something completely different."

D. Hall interjected and wanted F. Lavilla to explain why some of the *ohana* thought the burial site was supposed to be different. F. Lavilla said her original request was what the family members agreed to. F. Lavilla said her original request was based upon her and her family's recollection. F. Lavilla continued to read her testimony.

"To, hopefully, prevent anyone else of the Lonokailua/Lono ohana from experiencing any more heartache and sadness, not only because of the unfortunate sale and ultimate loss of our land, but primarily, because of the wrong position of the wall, I am asking the Burial Council to further protect and preserve my kupuna's burial site by changing the current position of the low-walled enclosure as pictured in the Burial Treatment and Preservation Plan, to it's original position which my unties and I remember.

With you kokua, you will not only be helping us to honor our kupuna, but you will also be helping us to maintain this last tie and feeling of connection to the aina."

L. Hazuka thought the burial site matched what was described within the BTPP. W. Frampton thought ASH had tested the area to determine the extent of what was subsurface. L. Hazuka said ASH did test the area and identified three depressions. W. Frampton also thought the burial site and the preservation area matched the BTPP. W. Frampton remembered a small bobcat being used to test *mauka* of the *makai* burial site. W. Frampton said additional testing occurred and no additional burials were identified. L. Hazuka thought the low rock wall ran parallel with the shoreline and the burials were perpendicular. L. Hazuka said she had photos of the area being discussed.

L. Kuloloio wanted to know exactly what was being asked of the council. F. Lavilla said she wanted the *makai* burial site [preservation area] rotated 90 degrees north as shown on the second page of her handout. L. Kuloloio wanted to know if F. Lavilla and her family would be satisfied and happy if the council allowed the *makai* burial site

[preservation area] to be realigned 90 degrees north to which F. Lavilla answered yes. W. Frampton wanted to know if BTPP itself was flawed or if the construction of the burial site preservation area was flawed. F. Lavilla believed the BTPP was incorrect to start. L. Kuloloio was confident with the additional testing that was conducted by ASH to see if there were any additional burials. L. Kuloloio also thought the *makai* burial site matched the BTPP. L. Kuloloio thought the council was being asked if the burial site could be rotated 90 degrees north. L. Hazuka explained that it was only the western side of the rock wall that demarcated the burial site that would be realigned 90 degrees to the north.

S. Fisher wanted to know the number of people F. Lavilla was representing. F. Lavilla said she was representing four family members. S. Fisher asked if all the family members F. Lavilla represented unanimously agreed with what was being asked of the council. F. Lavilla answered yes.

L. Kuloloio thought adequate testing occurred at the burial sites. F. Lavilla agreed that adequate testing occurred. F. Lavilla said she was asking on behalf of other family members if the low rock wall that demarcated the western end of the *makai* burial site could be moved by rotating the wall 90 degrees north. W. Frampton asked if the council was being asked if just the rocks on the surface could be moved and realigned to which the answer was yes. D. Hall said the landowner also needed to agree to the proposed change. F. Lavilla said she had the support of the landowner. L. Kuloloio did not see a problem with realigning the rock wall given that nothing subsurface would be disturbed. D. Hall said the BTPP needed to be amended and re-recorded with the bureau of conveyance.

L. Kuloloio moved and W. Frampton seconded, “to adjourn the meeting at 12:00pm.”

VOTE: ALL IN FAVOR. The motion carried unanimously.

Respectfully Submitted,

Kawika Farm
Clerk Stenographer II
State Historic Preservation Division